



FACT SHEET:
REVISED DE MICROMIS GUIDANCE

EPA REDUCING TRANSACTION COSTS FOR SMALL VOLUME CONTRIBUTORS

- EPA is expanding the protection for thousands of small volume waste contributors who have been drawn into the net of Superfund liability.
- The recently issued guidance, which supersedes EPA's 1993 guidance on de micromis settlements, doubles the level previously identified for small party protection.
- This means that EPA's policy is to not pursue parties whose contribution is equal to or less than: (1) .002% of total volume or 110 gallons (such as two 55-gallon drums) or 200 pounds of materials containing hazardous substances, whichever is greater; or (ii) .2% of total volume, where a contributor sent only Municipal Solid Waste (MSW).
- If a small party is threatened with litigation by private parties, EPA will settle with that party for \$0 dollars.
- EPA also has developed several short, easily understood documents designed to increase the speed and efficiency of the settlement process. These are an informational brochure on de micromis settlements, sample correspondence for use with potential de micromis settlers, a model consent decree, a model administrative order on consent, a de micromis questionnaire (to be filled out by potential settlers so that EPA may determine if a party's involvement with a site was de micromis), and a model Federal Register notice.
- If you have any questions about this reform, please call Susan Boushell, at 202/564-5107, or Janice Linett at 202/564-5131.